

APPROVED MINUTES

(Approved - April 16, 2001)

MONTGOMERY COUNTY REDISTRICTING COMMISSION, 2001

MONDAY, MARCH 19, 2001 AT 4:00 PM

5th Floor Conference Room, County Office Building
Rockville, Maryland

COMMISSIONERS PRESENT

Shirley Small-Rougeau, Acting Chair
Steve Berry
Bill Sher
Jason Tai
Andrew Morton
Jayne Plank
William Roberts
Harry Lerch
David Davidson

STAFF

Ed Lattner, Assistant County Attorney
Pamela Zorich, Planner, Park & Planning
Ralph Wilson, Council Staff
Robin Ford, Council Staff

GUESTS

Sara Harris, Board of Elections
George Sauer
Peggy Erickson, Dacek Office
Vilma White, Precinct Chair 13-64
Marie Wallace, MCDCC
Dale Tibbitts, Citizen PAC
Lou D'Ovidio, Subin Office
Ellen Menis, League of Women Voters

OPENING REMARKS

Acting Chair Rougeau called the meeting to order at 4:00 PM. Prior to the meeting, Staff announced that the minutes of the February 15th meeting were sent to Commissioners via e-mail. However, some Commissioners did not receive that transmittal and therefore approval of the minutes was postponed until later in the meeting. Commissioners informed Staff of needed corrections to the address and e-mail list.

PUBLIC OUTREACH DISCUSSION

Ms. Rougeau discussed the issue of public outreach that was raised at the February 15th meeting. She shared with the Commission the e-mail flyer that was sent to people who are on the Staff mailing list. One of the observers at the meeting indicated that he had received an e-mail notification of the meeting, but wanted to know how to receive all of the information distributed to the Commissioners at each meeting. Mr. Wilson stated that anyone who completes the Observer Sign-In sheet is placed on the

Redistricting Commission mailing list and will receive information on meeting dates and appropriate meeting documents.

Mr. Davidson indicated that information on the Redistricting Commission, including meeting dates, are not listed on the Council website. It was also pointed out that this Redistricting Meeting was not listed in the Gazette or any of the local newspapers. Mr. Wilson indicated that Staff will work to get Redistricting Commission meetings listed on the County or Council website, as well as in the media outlets.

SELECTION OF CHAIR AND VICE CHAIR

Ms. Rougeau opened the floor for nominations for Chair of the Redistricting Commission. Commissioner Davidson nominated Acting Chair Rougeau and Commissioner Plank seconded that nomination. The Commission voted unanimously in favor of the nomination and elected Shirley Small-Rougeau Chair of the Redistricting Commission. Chair Rougeau opened the floor for nominations for Vice Chair of the Redistricting Commission. Commissioner Plank nominated Commissioner Morton as Vice Chair and Commissioner Roberts seconded the nomination. The Commission voted unanimously in favor of the nomination and elected Andrew Morton Vice Chair of the Redistricting Commission. At the time of his election, Commissioner Morton was not yet present at the meeting.

APPROVAL OF MINUTES

All Commissioners received the minutes and agreed to contact the Commission Chair and/or Staff with any corrections. The minutes will be approved at the next meeting.

BRIEFING – MARIE GARBER, CHAIR, 1990 REDISTRICTING COMMISSION

Ms. Rougeau stated that due to a family emergency, Mrs. Garber canceled her appearance before the Redistricting Commission, and indicated her willingness to reschedule. Staff will contact Mrs. Garber about rescheduling.

BRIEFING – SARA HARRIS, ACTING ELECTION DIRECTOR, BOARD OF ELECTIONS

Mrs. Harris discussed with the Commission how the Board of Elections will use the information it receives from the Council's Redistricting Plan. She discussed the following information:

- Visible boundaries are significant when determining the boundaries of election precincts.
- Prior to the end of each decade, there is a State required freeze on precinct changes (except in emergency situations) so there is no possibility of precinct changes occurring while the Commission prepares its plan.

- In areas that have experienced significant growth (for example Kentlands), the BOE may consider precinct merges and/or splits after the Redistricting Plan is approved.
- Population number, accessibility of polling places, visible boundaries, and voter convenience are some of the essential features considered when determining precinct boundaries. Municipal boundaries are also considered.
- Montgomery County has 227 precincts and polling places. The objective is a range of registered voters between 1,500 and 2,500. However, there are precincts with numbers of registered voters below and above that figure.
- The County has 19 municipalities and 4 special taxing districts.
- The Council Redistricting Plans have traditionally been based on entire precincts. However, the Commission does have the option of using census tracts and blocks to compile Councilmanic districts.
- The Redistricting Commission should be aware of the timeframe of the State's Redistricting process for Congressional, Legislative, and School Board districts because the State process can affect precincts and boundaries submitted by the Redistricting Commission and approved by Council. It appears that the Council will approve its Redistricting Plan before the General Assembly takes final action on the Legislative and Congressional Redistricting Plan. Mrs. Harris believes that the timing for this year's Redistricting effort differs from the 1990 Redistricting effort because it is occurring before the State districts are approved. Staff will provide the Commission with additional information on the State schedule for redistricting.
- Upon receipt of the Councilmanic Redistricting Plan, the Board Of Elections determines the impact on precinct boundaries, prepares a preliminary plan for precinct changes and forwards the its plan for precinct changes to the elected officials and central committees affected for review and comment. The BOE then makes the final decision regarding precinct boundaries.

Some Commissioners asked questions on the information presented by Mrs. Harris. The Commission raised concerns about the timing of the Councilmanic and legislative redistricting efforts. Many inquired about the possibility of the Council approving a Plan submitted by the Commission that could be altered by the legislative redistricting process. Mrs. Harris indicated that the Redistricting Commission should continue to work to meet the Charter mandated November 15th deadline, but should also be aware of the timing of the State's process. Staff will provide the Commission with further information on the timing of the State's process.

Several Commissioners inquired about the Commission's mandate to try to maintain existing communities, especially when considering municipalities that often annex land. Mrs. Harris stated that some precincts fall entirely within municipal boundaries and some are split both within and outside of those boundaries. Municipalities and/or incorporated cities have separate elections and maintain their own wards and/or precincts that they have the authority to change. The municipalities can request that the BOE consider those boundaries when determining County precincts, but

the BOE has ultimate authority on precinct boundaries. Mrs. Rougeau indicated that, for financial and logistical reasons, Rockville and other municipalities are considering aligning their elections and precinct boundaries with those of the County to take full advantage of the benefits of the BOE services.

Mrs. Harris also discussed the factors and rationale the BOE uses when determining precincts and polling places for County communities. She stated that while voter convenience is considered, other factors including population, visible boundaries, and overall accessibility also influence polling place selections. Except for extreme circumstances (for example the closing of a school), there is only one polling place per precinct. Mrs. Harris informed that Commission that the BOE had previously considered splitting the Leisure World precinct because of the large population (5,000+), but negative citizen response caused the BOE to reconsider that recommendation. She also clarified that Leisure World has four rooms that are used during elections in one polling place facility for the large precinct. Mrs. Harris encouraged Commissioners to instruct any constituents who have concerns about the locations of polling places to contact the BOE.

Mrs. Harris also discussed the difference between registered voters and populations, and pointed out that while the Redistricting Commission considers overall population, the BOE considers registered voters and the potential for registered voters. She also stated the BOE no longer completes the “five-year purge” of people who do not vote. Instead, since the passage of the National Voter Registration Act, the Board, as required by law, mails specimen ballots prior to each election and completes a process of examining the returned specimen ballots to update files with active and inactive voters. Mrs. Harris offered to discuss any further issues with Commissioners one-on-one, and the Commission thanked her for the presentation.

Mrs. Harris also distributed the following to the Commission:

- Large, color and small black & white maps displaying both Council Districts and Election Precincts
- A list of County precincts changed between 1992 and 1998.
- A list of all precincts within current Councilmanic districts. (Given to Staff to distribute to Commission.)

MAPS DISCUSSION – PAMELA ZORICH

Ms. Zorich stated that the Maryland Census data was scheduled for release today, but had not been released as she left her office for this meeting. She stated that she would have the information soon and could make it available to the Commission in various formats including paper and spreadsheets. The Commissioners stated their

preference for Excel spreadsheets and expressed that they would like to receive the Census information prior to the next meeting to allow time for adequate review.

Ms. Zorich then presented the Commission with several options for the size and scale of the maps that would serve as the base maps for each Commissioner to have and use throughout the Redistricting process. She explained that this base map will contain general County information, (i.e. major roads), and that overlay maps (in mylar form) can be created to display the criteria that the Commissioners would like to use when developing their plans. For example, an overlay containing the municipalities can be placed over the base map, but can be lifted to display other information, or other data could be placed over that layer. Ms. Zorich presented three size options (the specific dimensions were not outlined), and in order to have maps that are a convenient size to work with, but still display information clearly, the Commission selected the middle of the three options. The Commission did request that the sides of the map that contained extra white space be trimmed to make the map more convenient to work with.

Ms. Zorich then asked the Commissioners to specify what overlays were needed to facilitate the work of the group. The Commission requested initial overlays, and suggested that as they proceed with their work, they may request additional ones. Ms. Zorich and Park & Planning Staff will produce the following overlays:

- municipalities and special taxing districts
- streets
- 1990 population (in dot-map form)
- planning areas
- current Congressional and Legislative Boundaries
- stream valley parks

While there was interest in having access to a map of the County community associations, Ms. Zorich stated that, due to the number of those organizations, that information would not be helpful on a small map. Ms. Zorich has supplied Staff a wall-size map of the community associations for the group to refer to. The Commission also requested access to greater detail on the streets that make up the precinct boundaries. Ms. Zorich responded that the Board of Elections has a notebook with each precinct listed, and Ms. Ford added that the Council has a copy that the Redistricting Commission can review. Ms. Zorich also added that the Redistricting Software allows users access to the precinct boundaries and each Commissioner will be familiar with the software after the presentation at the next Redistricting Commission meeting.

Regarding the Redistricting Software, Ms. Zorich explained that the software is actually a module that works with ArcView software, which is a fairly common GIS software package. The Redistricting module is free to download, but relevant census information must be included in order to utilize the software. If any Commissioners have the ArcView software on their personal home computers, the Planning Department will supply the Redistricting module for home use. In response to Commissioner inquiries, Ms. Zorich will investigate the cost of the ArcView package and the possibility for

getting additional licenses for it. Mr. Dale Tibbits, an observer of the meeting, stated that the cost for ArcView is approximately \$1,000.

For Commissioners who do not have the ArcView software, there are workstations at both Park & Planning Headquarters and at the Council Office Building, specifically in Ms. Ford's office. Commissioners are encouraged to contact Ms. Zorich and Ms. Ford, either individually or in groups, to schedule time to use either workstation. There is one workstation at the COB, and there are several at Park & Planning and both have access to large scale, color printers that would enable Commissioners to create draft maps. Access to the workstations is also available after business hours at Park & Planning.

Some Commissioners requested a meeting to introduce the software, and Ms. Zorich confirmed that presenting the software and the Montgomery County census data were the two major agenda items for the next Redistricting Commission meeting. Also regarding the Redistricting software, Ms. Zorich explained that any of the layers and criteria requested for overlay maps would be available with the software package as well. She also stated that, because Park & Planning does not support Apple/Macintosh PC's, she does not know whether or not ArcView and the Redistricting software will run on them. She reiterated that the program is very convenient and that users can simply point and click and add or remove precincts from proposed districts, and see the results immediately on an accompanying map. The program also keeps count of precinct population numbers so that as a precinct is added, the increase of population for the proposed district is immediately updated.

MEETING SCHEDULE

The next meeting on the census information and the software will be on April 16th , 4:00 PM, at 8787 Georgia Avenue, Silver Spring, 1st Floor Auditorium.

Mr. Morton stated that the early, 4:00 PM meeting time might not be convenient for each meeting. The Commission agreed to determine the times of each meeting monthly, and noted that the Public Hearing will be later in the evening.

COMMISSION WORK PROGRAM AND SCHEDULE

With the ultimate deadline of November 15, 2001 mandated by the County Charter, Staff reviewed the timeline of the previous Redistricting Commission and prepared a draft work schedule and meeting timeline for this Commission to consider and revise. Ms. Ford also pointed out that finalizing as many meeting dates as possible would assist with the public outreach effort by enabling all interested parties to get Redistricting Commission meetings on their agendas. Staff reviewed the proposed dates with the Commission, and also briefly discussed the purpose of each meeting and suggested that this serve as a "road map" to keep track of the progress made toward presenting a final plan.

Mr. Davidson pointed out that the suggested meeting date of September 17th conflicts with the Rosh Hashanah holiday and will not be appropriate for a public hearing. He also added that October 1st is not a good meeting date. The Commission agreed to review this draft timeline, and come to the next Redistricting Commission meeting prepared to revise and finalize the timeline, so that the Commission's schedule will be set.

The Commission Chair requested each Commissioner consider the format for developing first drafts of any Redistricting Plans. She raised the idea of forming teams (possibly based on districts) to create drafts, but did not recommend this format. She noted that Commissioners could submit plans individually. She requested that Commissioners come to the next meeting with preferences and/or suggestions on how the group should conduct its work. Mr. Lattner pointed out that Commissioners meeting and working in teams made up of a majority of the full group without convening a full and public meeting would be a violation of the Open Meetings Act.

LEGAL ISSUES

Assistant County Attorney Lattner reviewed the legal memo he sent to Commissioner's updating the legal advice given to the 1990 Commission. He again outlined the three Charter requirements for any proposed districts. They must be compact, made of adjoining territory, and be substantially equal in population. He explained that the courts have ruled that equal population is guided by the "10% rule". The number of districts (5 in the case of Montgomery County) must divide the total population and that figure represents the ideal population of each of the five districts. That ideal figure may not always be attainable, but the sum of the percentage variation from the ideal of the most populated district and the percentage variation from the ideal from the least populated district must be less than 10%. Mr. Lattner pointed out that the previous Commission's Redistricting Plan was well below the accepted 10 % variation.

Political subdivisions, shared community interests, and geography are other factors that the Commission considers. Mr. Morton clarified that for redistricting, compactness is very broad and only means that the district must not be drawn with disruptive lines that resemble a 'bug splattered on a window.' Mr. Tibbits also added the compactness could be determined through various ratios comparing the area of the districts to the circumferences of surrounding areas. Mr. Lattner stated that anticipating population growth should not be as high a priority when developing a plan as those outlined in the charter, but may be considered by the Commission. The Commission further discussed the factors in achieving acceptable population figures.

Mr. Lattner's memo details the Commission's responsibility to abide by the Voting Rights Act. Details regarding these issues can be found in Mr. Lattner's memo dated 3/12/01. Mr. Lattner stated that the repeated election of Councilman Leggett does not impact the County's conformity to the Voting Rights Act at the district level because he is elected at large and the Act pertains to districts. Chair Rougeau stated that

Montgomery County does not have certain areas that are heavily populated with minorities, but rather that minorities are dispersed throughout the County.

ADDITIONAL BUSINESS

Mr. Tai suggested that the timeline include a public outreach session or an early public hearing to receive public input at the beginning of the redistricting process so that the community is not left out of the early stages. The Chair stated that the Commission has already agreed to accept public comment at each Redistricting Commission meeting, but stated that the Commission must establish a format for this process to ensure order at the meetings. It was also pointed out that the previous Commission held meetings at various locations around the County, and that individual Commissioners spoke to community organizations upon request. The 2000 Commission will also conduct those types of outreach efforts. Staff also asked Commissioners to come to the April 16th meeting with possible suggestions for locations for any of the Redistricting Commission meetings. It was also noted that there are stages of public involvement, and that nothing brings out public comment more than a proposed plan. Mr. Tai agreed with those statements, but reiterated the need to have an initial forum to take suggestions from the community.

The Commission meetings will also be posted on the Council internet site and in newspapers and public places. Staff also stated that any letters received would be distributed to the full Commission. Dale Tibbitts, an observer representing Citizen Political Action Committee, introduced himself to the Commissioners and stated that he lives in Silver Spring and is also a Redistricting professional.

The meeting adjourned at 6:00 PM.